

IN THE U.S. COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

CONNOLLY-PACIFIC COMPANY	:	
Petitioner	:	
	:	
v.	:	No. 14-1133
	:	
FEDERAL MINE SAFETY AND HEALTH	:	
REVIEW COMMISSION, and	:	
SECRETARY OF LABOR, MSHA	:	
Respondent	:	

CERTIFIED INDEX TO MATERIALS COMPRISING THE ADMINISTRATIVE RECORD
FILED PURSUANT TO RULE 17(b) OF THE FEDERAL RULES OF APPELLATE
PROCEDURE

<u>CONTENTS</u>	<u>PAGE</u>
Motion to Consolidate and to Expedite Proceedings, and Notices of Contest of Citations 8607223, 8607224, 8607225, and 8607226, filed by Connolly-Pacific Company (Connolly) with the Federal Mine Safety and Health Review Commission (FMSHRC) on June 10, 2011	1-25
Order of Assignment, for contest cases WEST 2011-1064, 1065, 1066, and 1067, assigned to Administrative Law Judge Margaret Miller (Judge Miller), dated June 13, 2011.....	26
Acknowledgement of contest cases WEST 2011-1064, 1065, and 1067, dated June 13, 2011.....	27
Secretary of Labor's Opposition to Request For Expedited Proceedings, for cases WEST 2011-1064, 1065, 1066, 1067, filed with FMSHRC on June 20, 2011	28-36
Notice of Hearing, for cases WEST 2011-1064, 1065, 1066, and 1067, issued by Judge Margaret Miller on June 23, 2011	37-38
Secretary's Answer to Connolly-Pacific Company's Notice of Contest, for case WEST 2011-1067, filed by Secretary of Labor (Secretary) with FMSHRC on June 30, 2011	39-41
Secretary's Answer to Connolly-Pacific Company's Notice of Contest, for case WEST 2011-1066, filed with FMSHRC on June 30, 2011	42-44

Secretary's Answer to Connolly-Pacific Company's Notice of Contest, for case WEST 2011-1065, filed with FMSHRC on June 30, 2011	45-47
Secretary's Answer to Connolly-Pacific Company's Notice of Contest, for case WEST 2011-1064, filed with FMSHRC on June 30, 2011	48-50
Order Granting Motion to Amend, for cases WEST 2011-1064, 1065, 1066, and 1067, issued on July 7, 2011	51-52
Secretary's Motion to Amend Citations and Order, for cases WEST 2011-1064, 1065, 1066, and 1067, filed with FMSHRC on July 8, 2011	53-63
Contestant Connolly Pacific's Prehearing Statement, for cases WEST 2011-1064, 1065, 1066, and 1067, filed with FMSHRC on July 11, 2011	64-70
Opposition to Secretary's Motion to Amend Citations and Order, for cases WEST 2011-1064, 1065, 1066, and 1067, filed by Connolly, with FMSHRC on July 11, 2011	71-74
Secretary's Prehearing Submission, for cases WEST 2011-1064, 1065, 1066, and 1067, filed with FMSHRC on July 12, 2011	75-81
Notice of Hearing Site, for cases WEST 2011-1064, 1065, 1066, and 1067, issued on July 12, 2011	82
Subpoena, for cases WEST 2011-1064, 1065, 1066, and 1067, issued on July 13, 2011	83-84
Secretary's First Amended Exhibit List, for cases WEST 2011-1064, 1065, 1066, and 1067, filed with FMRSHRC on July 13, 2011	85-88
Transcript of hearing, for cases WEST 2011-1064, 1065, 1066, and 1067, held July 18, 2011	89-389
Transcript of hearing, for cases WEST 2011-1064, 1065, 1066, and 1067, held July 19, 2011	390-583
Secretary's Exhibit 1	Order 8607223, 8607223-01, 8607223-02..... 584-586
Secretary's Exhibit 2	Citation 8607224, 8607224-01
Secretary's Exhibit 3	Citation 8607225, 8607225-01
Secretary's Exhibit 4	Citation 8607226, 8607226-01
Secretary's Exhibit 5	Field Notes, Event No. 1152559
Secretary's Exhibit 6	Field Notes, Order 8607223, Citations 8607225 & 8607226
Secretary's Exhibit 7	Memo and Field Investigation Report re: Highwall Conditions Dated June 17, 2011
Secretary's Exhibit 8	Steven J. Vamossy (S. Vamossy) Resume.....

Secretary's Exhibit 9	S. Vamossy Field Investigation Notes	622-625
Secretary's Exhibit 10	Vamossy Field Investigation Notes.....	626-628
Secretary's Exhibit 13	Avalon School California Monthly Station Summary	629-636
Secretary's Exhibit 14	Photos of Highwall Taken by Chad Hilde (C. Hilde).....	637-641
Secretary's Exhibit 15	Photos of Highwall Taken by S. Vamossy.....	642-655
Secretary's Exhibit 16	Close-up Photos of Highwall Taken by S. Vamossy	656-658
Secretary's Exhibit 17	MSHA Mine Accident Report of Pebbly Beach Quarry	659-668
Secretary's Exhibit 18A	Pebbly Beach Quarry Explosives Daily Use Inventory	669-677
Secretary's Exhibit 18B	Pebbly Beach Quarry Blasting Log.....	678-688
Secretary's Exhibit 19	Field Inspection Notes of Pebbly Beach Quarry	689-707
Secretary's Exhibit 20	Connolly's Quarry Daily Field Inspection and Reporting.....	708-741
Secretary's Exhibit 21	Various Operator Photos of Highwall.....	742-752
Secretary's Exhibit 23	C. Hilde - MSHA Photo Mounting Worksheet	753-774
Connolly's Exhibit E-1	Engineering Geologic Review of Pebbly Beach Quarry, Dated June 30, 2011	775-792
Connolly's Exhibit E-2	Engineering Geologic Review of Pebbly Beach Quarry, Dated July 10, 2011.....	793-801
Connolly's Exhibit F	Jeffrey A. Johnson Resume	802-812
Connolly's Exhibit G-1	Connolly's Quarry Spotting Procedure and Training	813
Connolly's Exhibit G-2	Connolly's New Miner Field Training Record	814
Connolly's Exhibit G-3	Connolly's Field Inspection Notes of Beto Martin.....	815
Connolly's Exhibit H-1	Pebbly Beach Quarry Policy & Procedure for Highwalls	816
Connolly's Exhibit I	Photos of Highwall	817-824
Connolly's Exhibit J	Aerial Shot of Highwall	825
Connolly's Exhibit K-1	Topographical Maps of Catalina Rock Quarry	826-828
Connolly's Exhibit K-2	Topographical Map of Pebbly Beach Quarry	829
Connolly's Exhibit L	Topographical Profile of Pebbly Beach Quarry	830
Connolly's Exhibit M	Connolly's Large Mine Map	831
Connolly's Exhibit P	Blasting Log for Pebbly Beach Quarry	832-846
Connolly's Exhibit Q-1	Pebbly Beach Quarry Explosives Daily Use Inventory	847-869
Connolly's Exhibit Q-2	Pebbly Beach Quarry Explosives Daily Use Inventory	870-878
Connolly's Exhibit R	Connolly's Miner Refresher Training Record	879-882
Connolly's Exhibit S	Connolly's Ground Control Highwall Safety Presentation.....	883-892
Connolly's Exhibit Y-1	Rockfall Catchment Area Design Guide, Nov. 2001	893-983
Connolly's Exhibit Y-2	Rockfall Catchment Area Design Guide, Dec. 2001	984-990

Closing Brief, for cases WEST 2011-1064, 1065, 1066, and 1067, filed by
the Secretary, with FMSHRC on August 30, 2011..... 991-1030

Contestant's Post-Hearing Brief, for cases WEST 2011-1064, 1065, 1066,
and 1067, filed by Connolly, with FMSHRC on September 2, 2011 1031-1069

Motion To Accept Petition Filed out of Time; Petition For Assessment of Penalty and For Consolidation With Contest Proceedings, for contest cases WEST 2011-1064, 1065, 1066, 1067, and penalty case WEST 2011-1238 (WEST 2011-1064, et al) filed by the Secretary, with FMSHRC on September 12, 2011	1070-1082
Connolly-Pacific Company's Answer to Secretary's Petition for Assessment of Penalty, for cases WEST 2011-1064, et al, filed by Connolly, with FMSHRC on September 12, 2011	1083-1085
Order of Assignment, for case WEST 2011-1238, assigned to Administrative Law Judge Margaret Miller, dated September 12, 2011.....	1086
Decision, for cases WEST 2011-1064, et al, issued by Judge Miller, on September 23, 2011	1087-1113
Petition for Discretionary Review, for cases WEST 2011-1064, et al, filed by Connolly, with FMSHRC on October 25, 2011	1114-1131
Direction for Review, granting petition for discretionary review, for cases WEST 2011-1064, et al, issued by the Commission on November 2, 2011.....	1132-1133
Connolly's Opening Brief, for cases WEST 2011-1064, et al, filed by Connolly, with the Commission on December 7, 2011	1134-1167
Notice of Appearance, for cases WEST 2011-1064, et al, filed by Secretary, with the Commission, on December 9, 2011	1168
Secretary of Labor's Motion for Extension of Time to File Brief, for cases WEST 2011-1064, with the Commission, on December 21, 2011	1169-1175
Order granting the Secretary's Motion for Extension of Time, for cases WEST 2011-1064, et al, issued by the Commission, on December 22, 2011	1176-1177
Opposition to Secretary of Labor's Motion for Extension of Time to File Brief, for cases WEST 2011-1064, et al, filed by Connolly, with the Commission On December 22, 2011	1178-1184
Secretary of Labor's Response Brief, for cases WEST 2011-1064, et al, filed with the Commission, on January 25, 2012.....	1185-1224
Connolly-Pacific Co.'s Reply Brief, for cases WEST 2011-1064, et al, filed with the Commission, on February 13, 2012.....	1225-1243

Decision, for cases WEST 2011-1064, et al, issued by the Commission,
on June 13, 2014 1244-1253

CERTIFICATE

I, Pamela Champ, Legal Assistant, Federal Mine Safety and Health Review Commission, hereby certify that the foregoing is a true and correct Index to Materials Comprising the Administrative Record in the captioned proceeding.

/s/
Pamela Champ